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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,092	06/08/2005	Srinivas Gutta	US020532	2236
24737. 7590 02/22/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
			EXAMINER SIPPLE IV, EDWARD C	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/538,092

**Applicant(s)**

GUTTA, SRINIVAS

**Examiner**

EDWARD C. SIPPLE IV

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/08/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/08/2005</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claim 6** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "wherein the predetermined criteria comprises...". There is insufficient antecedent basis for this limitation in the claim; specifically, there is not a previous recitation of a predetermined criterion.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5, 8, 10-13, 16 and 18-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Finseth (U.S. Patent 6,813,775).

For independent **Claim 1** Finseth teaches:

a method for generating a recommendation for video content to a viewer (Column 13 Lines 19-24), the viewer having a user profile corresponding to a viewing history of the viewer (Col. 2 Lines 3-7), the method comprising:

accessing at least one other user profile corresponding to a viewing history of another user (Col. 2 Lines 3-11);

combining a portion of the at least one other user profile with the user profile of the viewer to create a combined user profile (Col. 17 Lines 13-18); and

determining a recommendation for video content based on the combined user profile (Figure 16 with Col. 17 Lines 45-56, note Fig. 16 lists combined user profiles).

For **Claim 2** as discussed in independent Claim 1, Finseth further teaches:

the accessing comprises the other user providing at least partial access to the at least one other user profile (Col. 12 Lines 23-35, and Col. 15 Lines 52-57) through a communication channel (Fig. 3 Element 82 with Col. 7 Lines 43-48).

For **Claim 3** as discussed in Claim 2, Finseth further teaches:

the viewer has limited access to the at least one other user profile (Col. 12 Lines 30-35, and Col. 15 Lines 52-57) and the combining (Col. 17 Lines 15-17) comprises the other user designating the portion of the at least one other user profile which can be combined with the user profile of the viewer (Fig. 11 Elem. 198 with Col. 15 Lines 52-57).

For **Claim 4** as discussed in Claim 2, Finseth further teaches:

the viewer has access to more than the portion of the at least one other user profile and the combining comprises the viewer designating the portion of

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the at least one other user profile (Fig. 15 Elem. 244 with Col. 17 Lines 30-40) which is to be combined with the user profile of the viewer (Col. 17 Lines 13-18).

For **Claim 5** as discussed in Claim 2, Finseth further teaches:

the combining comprises automatically combining the user profile of the viewer with the portion of the at least one other user profile (Fig. 11 Elem. 196 with Col. 15 Lines 40-48, and Col. 17 Lines 13-18; note Finseth teaches that user profile information is automatically shared between users, and that the recipient user may choose to have the incoming profile information combined into his or her own profile) according to a predetermined criteria (Col. 17 Lines 31-40, note the user is able to select criteria under which viewer profile information is combined [Fig. 15 Elem. 244] ).

For **Claim 8** as discussed in independent Claim 1, Finseth further teaches:

the accessing comprises:

requesting the at least one other user profile (Fig. 14 Elem. 228 with Col. 16 Lines 59-65) according to a predetermined characteristic (Col. 17 Lines 30-40, i.e., the security measures enacted to handle other user's information);

receiving at least one response to the request (Col. 17 Lines 13-17); and

selecting the at least one response based on the predetermined characteristic (Col. 17 Lines 30-40, note a user selects portions of the other user profile information according to security considerations).

For independent **Claim 10** Finseth teaches:

an apparatus for generating a recommendation for video content to a viewer (see Abstract and Col. 2 lines 3-11), the viewer having a user profile corresponding to a viewing history of the viewer (Col. 2 Lines 3-7), the apparatus comprising:

communication means for accessing (Fig. 3 Elem. 82 with Col. 7 Lines 43-48) at least one other user profile (Col. 17 Lines 13-16) corresponding to a viewing history of another user (Col. 2 lines 3-7);

a processor (Fig. 3 Elem. 74) for combining a portion of the at least one other user profile with the user profile of the viewer to create a combined user profile (Col. 8 Lines 52-56 with Col. 17 Lines 13-17); and

a recommender (Fig. 3 Elem 64) for determining a recommendation for video content based on the combined user profile (Fig. 16 with Col. 17 Lines 48-65, note Fig. 16 lists combined user profiles).

For **Claim 11** as discussed in independent Claim 10, Finseth further teaches:

the viewer has access to more than the portion of the at least one other user profile (Col. 17 Lines 29-33) and the apparatus further comprises a user interface (Fig. 15 Elem. 240) in which the viewer designates the portion of the at least one other user profile which is to be combined with the user profile of the viewer (Col. 17 Lines 30-40).

For **Claim 12** as discussed in independent Claim 10, Finseth further teaches:

means (Fig. 3 Elements 74, 78, 80 and 82) for automatically combining the user profile of the viewer with the portion of the at least one other user profile

(Fig. 11 Elem. 196 with Col. 15 Lines 40-48, and Col. 17 Lines 13-18; note Finseth teaches that user profile information is automatically shared between users, and that the recipient user may choose to have the incoming profile information combined into his or her own profile) according to a predetermined criteria (Col. 17 Lines 31-40, note the user is able to select criteria under which viewer profile information is combined [Fig. 15 Elem. 244] ).

For **Claim 13** as discussed in Claim 12, Finseth further teaches:

the means for automatically combining the user profile of the viewer with the portion of the at least one other user profile comprises the processor (Fig. 3 Elem. 74 with Col. 8 Lines 53-59).

For **Claim 16** as discussed in independent Claim 10, Finseth further teaches:

the communication means (Fig. 3 Element 82 with Col. 7 Lines 43-48) comprises:

means for transmitting a request for the at least one other user profile (Fig. 3 Element 82 with Col. 7 Lines 43-48; and Col. 16 Lines 59-67) according to a predetermined characteristic (Col. 17 Lines 30-40, i.e., the security measures enacted for the other user);

means for receiving at least one response to the request (Fig. 3 Element 82 with Col. 7 Lines 43-48); and

a user interface (Fig. 15 Elem. 240) for selecting the at least one response based on the predetermined characteristic (Col. 17 Lines 30-40, i.e., the security measures enacted to handle other user's information ).

For independent **Claim 18** Finseth teaches:

a program storage device readable by machine (Fig. 3 Elem. 78), tangibly embodying a program of instructions executable by the machine to perform method steps for generating a recommendation for video content to a viewer (Col. 2 Lines 3-11 with Col. 8 Lines 52-58), the viewer having a user profile corresponding to a viewing history of the viewer (Col. 2 Lines 3-6), the method comprising:

accessing at least one other user profile (Col. 2 Lines 6-11)  
corresponding to a viewing history of another user (Col. 2 Lines 3-6);

combining a portion of the at least one other user profile with the user profile of the viewer to create a combined user profile (Col. 17 Lines 13-17 and 30-40); and

determining a recommendation for video content based on the combined user profile (Fig. 16 Elem. 246 with Col. 17 lines 45-55, note the combined user preference information items).

For independent **Claim 19** Finseth teaches:

a computer program product embodied in a computer-readable medium for generating a recommendation for video content to a viewer (Col. 2 Lines 3-11 with Col. 8 Lines 52-58), the viewer having a user profile corresponding to a viewing history of the viewer (Col. 2 Lines 3-6), the computer program product comprising:



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computer readable program code means for accessing at least one other user profile (Col. 2 Lines 6-11) corresponding to a viewing history of another user (Col. 2 Lines 3-6);

computer readable program code means for combining a portion of the at least one other user profile with the user profile of the viewer to create a combined user profile (Col. 17 Lines 13-17 and 30-40); and

computer readable program code means for determining a recommendation for video content based on the combined user profile (Fig. 16 Elem. 246 with Col. 17 lines 45-55, note the combined user preference information items).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 6 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth (U.S. Patent 6,813,775) in view of Prokopenko (U.S. Patent 7,188,355).

For **Claim 6** as discussed in independent Claim 1, Finseth teaches that:

sub-portions of the at least one other user profile are added to the user profile of the viewer which are not present in the user profile of the viewer (Col. 17 Lines 13-17, 26-28 and 45-49; also Col. 17 Lines 59-67 through Col. 18 Lines

1-3, note Finseth teaches that the sharing and merging of user profiles may entice viewers to watch programming outside the scope of their individual viewing routines, meaning that sub-portions of the at least one other user profile are added to the user profile of the viewer which are not present in the user profile of the viewer)

Finseth does not expressly teach:

the predetermined criteria comprises adding sub-portions of the at least one other user profile to the user profile of the viewer which are not present in the user profile of the viewer

Prokopenko teaches:

adding an entry to a list of recommended programs, only if the entry is not already in the list of recommended programs (Col. 22 Lines 61-67 through Col. 23 Lines 1-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the predetermined criteria comprise adding sub-portions of the at least one other user profile to the user profile of the viewer, as taught by Finseth that are not present in the user profile of the viewer, as taught by Prokopenko. The motivation would have been to prevent unnecessary duplicate profile information in the merged user profile.

For **Claim 14** as discussed in Claim 12, Finseth further teaches:

sub-portions of the at least one other user profile are added to the user profile of the viewer which are not present in the user profile of the viewer (Col.

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17 Lines 13-17, 26-28 and 45-49; also Col. 17 Lines 59-67 through Col. 18 Lines 1-3, note Finseth teaches that the sharing and merging of user profiles may entice viewers to watch programming outside the scope of their normal viewing routines, meaning that sub-portions of the at least one other user profile are added to the user profile of the viewer which are not present in the user profile of the viewer)

Finseth does not expressly teach:

the predetermined criteria comprises adding sub-portions of the at least one other user profile to the user profile of the viewer which are not present in the user profile of the viewer

Prokopenko teaches:

adding an entry to a list of recommended programs, only if the entry is not already in the list of recommended programs (Col. 22 Lines 61-67 through Col. 23 Lines 1-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the predetermined criteria comprise adding sub-portions of the at least one other user profile to the user profile of the viewer, as taught by Finseth that are not present in the user profile of the viewer, as taught by Prokopenko. The motivation would have been to prevent unnecessary duplicate profile information in the merged user profile.

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4. **Claims 7 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth (U.S. Patent 6,813,775) in view of Wang (U.S. Patent Application Publication 2002/0188949).

For **Claim 7** as discussed in independent Claim 1, Finseth teaches:

determining a recommendation for video content based on a combined user profile (Fig. 16 Elem. 248 with Col. 17 Lines 13-17 and 45-56)

Finseth does not expressly teach:

assigning weights to at least a portion of the portion of the at least one other user profile before the combining to create a weighted combined user profile, wherein the determining comprises determining the recommendation for the video content based on the weighted combined user profile.

Wang teaches:

assigning weights to portions of a user profile (Abstract: Lines 5-12, and Paragraph [0006] Lines 9-14), and determining a recommendation for video programming based on the weighted user profile (Abstract: Lines 12-15, and Paragraph [0006] Lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to assign weights to at least a portion of the portion of the at least one other user profile (as taught by Wang) before the combining to create a weighted combined user profile (as taught by Finseth), and subsequently determine the recommendation for the video content based on the weighted combined user profile.

The motivation would have been to allow a user to dictate the amount of influence

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particular portions of the other user's profile has on the combined video recommendations.

For **Claim 15** as discussed in independent Claim 10, Finseth teaches:

creating a combined user profile (Col. 17 Lines 13-17), and

a recommender (Fig. 3 Elem 64) for determining a recommendation for video content based on the combined user profile (Fig. 16 with Col. 17 Lines 48-65, note Fig. 16 lists combined user profiles)

Finseth does not expressly teach:

a user interface for assigning weights to at least a portion of the portion of the at least one other user profile to create a weighted combined user profile, wherein the recommender determines the recommendation for the video content based on the weighted combined user profile.

Wang teaches:

a user interface for assigning weights to at least a portion of a user profile (Fig. 1 with Paragraph [0006] Lines 13-17), and

determining a recommendation for video programming based on the weighted user profile (Abstract: Lines 12-15, and Paragraph [0006] Lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the user interface for assigning weights to a user profile, and the recommending of video programming based on a weighted profile feature, as taught by Wang, within the user profile sharing, and video recommending system taught by Finseth. The motivation would have been to allow a user to dictate the

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amount of influence particular portions of the other user's profile has on the combined video recommendations.

5. **Claims 9 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth (U.S. Patent 6,813,775) in view of Hawkins (U.S. Patent 6,005,561).

For **Claim 9** as discussed in Claim 8, Finseth teaches:

selecting the at least one response based on the predetermined characteristic (Col. 17 Lines 30-40, note a user selects portions of the other user profile information according to security considerations).

Finseth does not teach:

the receiving further comprises soliciting a corresponding price for the use of the at least one other user profile, wherein the selecting comprises selecting the at least one response based on the corresponding price.

Hawkins teaches:

a user of a video system having the ability to sell a file containing the user's viewing history (Col. 16 Lines 39-48)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to solicit a price for the use of another's user profile, and to select the use of another's profile based on said price. The motivation would have been to allow a first viewer to offer compensation to a second viewer for access to the second viewer's profile information.

For **Claim 17** as discussed in Claim 16, Finseth teaches:

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means for receiving at least one response to a request (Fig. 3 Element 82 with Col. 7 Lines 43-48); and a user interface (Fig. 15 Elem. 240) for selecting the at least one response based on the predetermined characteristic (Col. 17 Lines 30-40).

Finseth does not teach:

the apparatus of claim 16, wherein a corresponding price for the use of the at least one other user profile is also received with the at least one response, wherein the user interface comprises means for selecting the at least one response based on the predetermined characteristic and the corresponding price.

Hawkins teaches:

a user of a video system having the ability to sell a file containing the user's viewing history (Col. 16 Lines 39-48)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive a price for another's user profile information, and to incorporate means within the user interface for selecting another's user profile information based on the corresponding price. The motivation would have been to allow a first viewer to offer compensation to a second viewer for access to the second viewer's profile information.

### **Conclusion**

6. The following is prior art made of record and not relied upon, but considered to be pertinent to applicant's disclosure:

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- a. U.S. Patent 5,758,259 "Automated selective programming guide",
- b. U.S. Patent 6,298,482 "System for two-way digital multimedia broadcast and interactive services".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD C. SIPPLE IV whose telephone number is (571) 270-3414. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272 7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ES  
02/19/2008

  
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SUPERVISORY PATENT EXAMINER